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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

* * * * * * * * * * * * * * * * *
7 SHEILA J. PORTER, *
8 Plaintiff *
9 -vs- * Civil Action
10 ANDREA CABRAL; SUFFOLK COUNTY * No. 04-11935-DPW
11 SHERIFF'S DEPARTMENT; SUFFOLK *
12 COUNTY and CORRECTIONAL MEDICAL *
13 SERVICES, INC., *
14 Defendants *
* * * * * * * * * * * * * * * * *

CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER

DEPOSITION OF ELIZABETH KEELEY, ESQUIRE, a
witness called on behalf of the Plaintiff, in the
above-captioned matter, said deposition being
taken pursuant to the Federal Rules of
Civil Procedure, before Patricia M.
McLaughlin, a Certified Shorthand Reporter and
Notary Public in and for the Commonwealth of
Massachusetts, at the offices of Goodwin Procter
LLP, Exchange Place, Boston, Massachusetts, on
Wednesday, May 11, 2005, commencing at 10:08 a.m.

McLAUGHLIN & ASSOCIATES COURT REPORTERS
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1 violations to decide what action would be
2 taken.

3 Q I believe you testified before that you had
4 an opinion about what action should be taken;
5 is that right?

6 A Yes.

7 Q What was your opinion?

8 A My opinion was that we should bar her from
9 the facility.

10 Q And you related that to Sheriff Cabral?

11 A Yes.

12 Q Did you tell her what that opinion was based
13 on?

14 A I told her it was based on what I had just
15 related and the concerns that a nurse would
16 not document a medical file; that that was
17 for me pretty egregious; that not documenting
18 something contemporaneous with what you hear
19 or see is pretty significant, particularly in
20 light of the context of an investigation into
21 allegations of officer misconduct or
22 excessive force or intentional abuse.

23 Q Was this the first time that Sheriff Cabral
24 was made aware of Mrs. Porter's involvement

1 in the Rosario matter?

2 MS. CAULO: Objection.

3 A I don't know when she became aware. I know
4 that in that conversation she had recently
5 had conversation with Viktor Theiss, and I
6 don't know to what extent Nurse Porter came
7 up in that conversation. But she seemed to
8 be aware of what I was discussing.

9 Q What did Sheriff Cabral say in response to
10 your opinion?

11 A I recall at one point she asked me, well, how
12 does that happen; if we are to bar her, how
13 does that happen.

14 Q What did you say in response?

15 A My memory is I said that we notify the
16 individual and then a written notice is given
17 to the shift commander.

18 Q Did she say anything else with regard to
19 Miss Porter at this time?

20 A I recall that she said that she should be
21 barred.

22 Q Did she explain why she thought that she
23 should be barred?

24 A I don't recall what she said. I know we

1 on the morning of June 10th, then it would
2 have been within a matter of hours that I
3 called her.

4 Q Tell me everything you remember about that
5 conversaⁿtion with Miss Mastrorilli.

6 A The first conversaⁿtion I had with her, I
7 called her, and I told her that the decision
8 had been made to bar Sheila Porter. And my
9 memory is that she said, okay, fine. That
10 was the extent of the conversaⁿtion.

11 Q Did you tell her why Miss Porter was being
12 barred?

13 A I don't think so. Not in that conversaⁿtion,
14 no.

15 Q How did you leave it with Miss Mastrorilli?

16 A I think I left it like that.

17 Q You instructed her to bar Miss Porter?

18 A Yes.

19 Q Do you remember anything else about that
20 conversaⁿtion other than you telling
21 Miss Mastrorilli that the decision had been
22 made to bar Miss Porter?

23 A No, my memory is that that's what the
24 conversaⁿtion -- Mary Ellen may have said

8 I may have mentioned that her failure to
9 file a report -- my memory is that I said
10 this: That failure to file a report
11 interfered with an ongoing investigation;
12 that her report was inconsistent with other
13 reports of what people claim to have seen in
14 terms of injuries to Rene Rosario, so that it
15 was not a credible report.

16 I remember hesitating, because I wasn't
17 sure whether I wanted to say this, but I
18 remember pausing. And I said, "And you can
19 share with her that because Rene Rosario has
20 been talking about his role as an informant
21 and he has mentioned her name in the context
22 of cooperating with the FBI, that the
23 department could not assure her personal
24 safety."

1 Q Do you know whether or not the criminal
2 investigation is still ongoing?

3 A I think it is, yes.

4 Q Are you familiar with a statement that was
5 released to the press on August 25th, 2004,
6 concerning Mrs. Porter that was released on
7 behalf of the Sheriff's Department?

8 A I know of a statement we made. I'm not
9 exactly sure that's the date, but we did
10 release a statement in August of 2004.

11 Q Did you have any role in drafting that
12 statement?

13 A Yes.

14 Q How would you describe your role?

15 A How did I do it?

16 Q What was your role? Did you physically draft
17 the statement?

18 A I went to my computer and typed it on the
19 screen.

20 Q You drafted the statement?

21 A I did.

22 Q Did you receive input from anybody to
23 determine what should go into that statement?

24 A Yes.